IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Tr.P(Crl.).No. 1 of 2007()

MC.479/2006 of FAMILY COURT, KANNUR

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PETITIONER: RESPONDENT

A.YOUSAF, S/O.LATE A.ABDUL RAHIMAN,
RESIDING AT PATEL ROAD, THALANGARA P.O.,
KASARAGOD TALUK.

BY ADV. SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SMT.SANJANA R.NAIR

RESPONDENTS: PETITIONERS

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1. M.T.P.ASIYA, D/O.N.MAMMU,
PALATHARA HOUSE, P.O.VELLUR, VIA PAYYANNUR,
KANNUR DISTRICT.

2. M.T.P.SALMATH, D/O.M.T.P.ASIYA,
DO.

BY ADV.SRI.M.SASEENDRAN FOR R1 & R2.

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Tr.P.(Crl).No.1 of 2007

Dated this the 31st day of January 2007

O R D E R

The petitioner has filed an application under Section 125 Cr.P.C claiming maintenance from the second respondent, his daughter. That claim is pending before the Family Court, Kasaragod as M.C.No.4/07. Respondents 1 and 2 had already filed a petition under Section 125 Cr.P.C claiming maintenance from the petitioner herein. That claim is pending before the Family Court, Kannur as M.C.No.479/06. The short prayer of the petitioner is that both these cases may be directed to be disposed of by the same court. The petitioner's specific prayer is to transfer M.C.No.479/06 pending before the Family Court, Kannur to the Family Court, Kasaragod. The respondents have entered appearance. They do not oppose the request for issue of directions to ensure that both cases are disposed of by the same court. Their short request is that Family Court, Kannur where the older of the two claims is pending may itself be directed to dispose of both cases expeditiously.

2. I find that both cases ought to be directed to be disposed of by the same court, in the interests of justice. The matter is now being taken up for consideration by the Family Court, Kannur at its Payyannur camp, it is submitted. I am, in these circumstances, satisfied that both cases can be directed to be disposed of by the Family Court, Kannur before which the older of the two cases is pending. There can be a further direction that both these cases must be taken up for consideration before the camp sitting at Payyannur, if that be feasible.

3. In the result, this Criminal Miscellaneous Case is allowed in part. M.C.No.4/07 pending before the Family Court, Kasaragod is transferred to the Family Court, Kannur where M.C.No.479/06 between the same parties is pending. It is further directed that as far as possible, the learned Judge must ensure that these matters are taken up for consideration and disposal at the Payyannur camp of the court, if that be feasible.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006